

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                                 |   |                         |
|---------------------------------|---|-------------------------|
| KENNETH GAYNOR, <i>et al.</i> , | ) |                         |
| Plaintiffs,                     | ) |                         |
| v.                              | ) | No. 3:15-CV-545-TAV-CCS |
|                                 | ) |                         |
| DEPLOY MILLER, <i>et al.</i> ,  | ) |                         |
| Defendants.                     | ) |                         |

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| MARCIA GOLDBERG, <i>et al.</i> , | ) |                         |
| Plaintiffs,                      | ) |                         |
| v.                               | ) | No. 3:15-CV-546-TAV-CCS |
| DEPLOY MILLER, <i>et al.</i> ,   | ) |                         |
| Defendants.                      | ) |                         |

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|--------------------------------|---|-------------------------|
| LEWIS COSBY, <i>et al.</i> ,   | ) |                         |
| Plaintiffs,                    | ) |                         |
| v.                             | ) | No. 3:16-CV-121-TAV-CCS |
| DEPLOY MILLER, <i>et al.</i> , | ) |                         |
| Defendants.                    | ) |                         |

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|----------------------------------|---|-------------------------|
| GABRIEL R. HULL, <i>et al.</i> , | ) |                         |
| Plaintiffs,                      | ) |                         |
| v.                               | ) | No. 3:16-CV-232-TAV-CCS |
| DEPLOY MILLER, <i>et al.</i> ,   | ) |                         |
| Defendants.                      | ) |                         |

**ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, Standing Order 13-02, and the referral Orders of the Chief District Judge.

Now before the Court are the following Motions by case:

1. Gaynor v. Miller, 3:15-cv-545. Plaintiff's Motion for Order Deeming Defendant Gerald Hannah's Served, or in the alternative, to Extend Time to Serve, and Memorandum in Support Thereof [Doc. 54]; Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [Doc. 62]; and Stipulated Briefing Scheduling Regarding Underwriter

Defendants' Motion for Consolidation of Related Actions [Doc. 66].

2. Goldberg v. Miller, 3:15-cv-546: Plaintiff's Motion for Order Deeming Defendant Gerald Hannah's Served, or in the alternative, to Extend Time to Serve, and Memorandum in Support Thereof [Doc. 55]; Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [Doc. 62]; and Stipulated Briefing Scheduling Regarding Underwriter Defendants' Motion for Consolidation of Related Action [Doc. 66].

3. Cosby v. Miller, 3:16-cv-121: Joint Motion for Scheduling Order [Doc. 11] and Motion for Appointment of Co-Lead Plaintiffs and Approval of Their Selection of Lead Counsel [Doc. 11].

4. Hull v. Miller, 3:16-cv-232: Joint Motion to Postpone Responsive Pleading Deadline [Doc. 45], Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [Doc. 61], and Stipulated Briefing Scheduling Regarding Underwriters Defendants' motion for Consolidation of Related Actions [Doc. 63].

By way of background, the Court ruled these cases to be related. In two of these cases, Gaynor and Goldberg, the Plaintiffs have filed Motions to Remand, which are currently pending before the District Court.

In the instant matter, the undersigned finds that the most appropriate course of action is to hold the above motions in abeyance, with the exceptions noted below, until the District Court rules on the Motions to Remand filed in Gaynor and Goldberg. The Court acknowledges that a Motion to Consolidate has not been filed in Cosby, however, courts "may consolidate related actions *sua sponte* and despite the objections of the parties." Cannady v. Sullivan, No. 10-2188, 2010 WL 459724, \*2 (W.D. Tenn. Nov. 5, 2010) (citing Cantrell v. GAF Corp., 999 F.2d 1007, 1011 (6th Cir. 1993)).

Accordingly, the following Motions are **HELD IN ABEYANCE**:

1. Gaynor v. Miller, 3:15-cv-545. Plaintiff's Motion for Order Deeming Defendant Gerald Hannah's Served, or in the alternative, to Extend Time to Serve, and Memorandum in Support Thereof [**Doc. 54**]; Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [**Doc. 62**].
2. Goldberg v. Miller, 3:15-cv-546: Plaintiff's Motion for Order Deeming Defendant Gerald Hannah's Served, or in the alternative, to Extend Time to Serve, and Memorandum in Support Thereof [**Doc. 55**]; Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [**Doc. 62**].
3. Cosby v. Miller, 3:16-cv-121: Joint Motion for Scheduling Order [**Doc. 10**] and Motion for Appointment of Co-Lead Plaintiffs and Approval of Their Selection of Lead Counsel [**Doc. 11**].
4. Hull v. Miller, 3:16-cv-232: Joint Motion to Postpone Responsive Pleading Deadline [**Doc. 45**] and Defendants' Motion and Incorporated Memorandum of Law in Support of Consolidation of Related Actions [**Doc. 61**].

With respect to the Stipulated Briefing Scheduling Regarding Underwriter Defendants' Motion for Consolidation of Related Actions filed in Gaynor, Goldberg, and Hull [Docs. 66, 66, 63], respectively, the Court **GRANTS IN PART AND DENIES IN PART** the Stipulation. The Court grants the Stipulation to the extent it requests that the Plaintiffs' Response be filed after the Motions to Remand are ruled upon. The briefing schedule will be determined after the Motions to Remand are ruled upon.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge